

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**SMARTPHONE TECHNOLOGIES  
LLC,**

**vs.**

**HTC CORPORATION, et al.**

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**NO. 6:10cv580 LED-JDL**

**PATENT CASE**

**ORDER ADOPTING ORDER OF  
UNITED STATES MAGISTRATE JUDGE**

The above entitled and numbered civil action was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. The Report and Recommendation of the Magistrate Judge (“R&R”), which denies HTC’s Motion for Summary Judgment of Non-Infringement (Doc. No. 313), has been presented for consideration (Doc. No. 355). Defendants moved for summary judgment of noninfringement of U.S. Patent Nos. 7,693,949; 6,760,728; 7,076,275; and 7,506,064. The Magistrate Judge recommended denial of HTC’s motion, stating that a genuine issue of material fact remained. R&R AT 1. HTC filed objections (Doc. No. 406) to the Report and Recommendation, arguing that “no issue of fact exists that HTC does not infringe.” OBJECTIONS AT 1.

The Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge as the findings and conclusions of this Court. Accordingly, all objections are overruled.

**So ORDERED and SIGNED this 27th day of March, 2013.**

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS  
UNITED STATES DISTRICT JUDGE**